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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Boris Hosseinzadeh-Dolkhani, Wolfgang Schiller, and  
Marc Rummel  
APPLN. NO: 09/712,086 CONFIRMATION NO: 8776  
FILED: 14 November 2000 EXAMINER: G. E. Richman  
ART UNIT: 3764  
TITLE: METHOD AND PORTABLE TRAINING DEVICE FOR  
OPTIMIZING A TRAINING

RESPONSE TO RESTRICTION REQUIREMENT  
MAILED 22 OCTOBER 2002

RECEIVED  
DEC - 3 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

Dear Sir:

PROVISIONAL ELECTION WITH TRAVERSE

**Provisional Election** Applicants hereby provisionally elect with traverse claims 7-29 of Group II drawn to a training device for further prosecution in this application.

**Traverse**

The restriction is made between claims 1-6 that are drawn to a method of optimizing a training and claims 7-29 that are drawn to a training device. The rationale for the restriction is that the claimed apparatus can be used to practice a materially different process.

The requirement for restriction was made after claims to both the method of optimizing a training (group I) and the training device (group II) were already searched and examined. Amendments were made in response to the Office Action of 24 April 2002. However, the amendments were not cited as a basis for the restriction. The amendments included similar types of corrections applied to both the method and apparatus claims to better conform with conventional US practices. New apparatus claims 23-29 were added, but the requirement for restriction did not characterize these claims as being distinct from any of the other apparatus claims within the second